

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5987 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHAKARAJI SOMAJI RAVAL

Versus

STATE OF GUJARAT

Appearance:

MR JIVANLAL M PATEL for Petitioner
Mr DA Bambhania, AGP for Respondent No. 1
SERVED BY DS for Respondent No. 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 25/09/97

ORAL JUDGEMENT

Rule. Mr D A Bambhania, learned AGP waives service of notice on behalf of the State.

2. This Special Civil Application deserves to be allowed on the short ground that the services of the

petitioner have been terminated indisregard to the principles of natural justice. The petitioner was appointed as Chowkidar by order dated 2.12.1996. His services have been terminated by order dated 5.8.1997. It is contended bdy the learned AGP that the petitioner does not belong to Scheduled Tribe. This fact is being contested by Mr Supehia, learned Advocate for the petitioner. Be that as it may, the fact remains that even no notice was given to the petitioner as to why his services be not terminated as he does not belong to Scheduled Tribe.

3. In view of this, the order of termination dated 5.8.1997 is quashed and set aside. The petitioner shall be reinstated with all consequential benefits. However, in case, the respondent intends to remove the petitioner, they may proceed in accordance with law.

Rule is made absolute accordingly.

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msh.